AN ESSAY CONCERNING PARLIAMENTS AT A CERTAINTY; OR, The KALENDS of *MAY*.

By *SAMUEL JOHNSON.*

Vice Cotis fungar. Horace.

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TO THE

Barons and Commons

Of *ENGLAND*

In Parliament Aſſembled.

May it pleaſe your Honours.

YOU either knew more of the Matter contained in theſe Papers, or leſs, or the ſame. If you knew more, I ſhould be glad to ſee it in your Laws which you mean to Eſtabliſh: Or which is better, in your Declaration of

the Conſtitution. If not; no Body can find fault with my poor Office of bearing a Light, but they that have very ill Eyes.

I am the known Servant of You, and of my whole Country,

Samuel Johnſon.

A N

AN ESSAY
Concerning Parliaments at a Certainty.

CHAP. I.

Shewing that the Frequent meeting of Parliaments is the Basis of our Constitution, and the True of the Government; and that the Intermission of them is Inconsistent with the Body of the English Law.

IF a Man would have an entire View of the English Constitution, he must have recourse to those Able and Approved Authors who have written Purposely on that Subject. For it is a Rule, *Parva est Authoritas aliud Agentis*; and what is said by the by, is of less Weight, than what is professedly handled; provided it have been Maturely considered, by a Competent Judge of that Matter of which he treats. And in this kind we do not find a Man better Qualified than the Learned Lord Chancellor *Forteſcue*, who was an Aged Lawyer, and had been Lord Chief Justice of *England* when he wrote his Book *de laudibus Legum Angliæ*, which was on purpose in a Dialogue with the Prince of *Wales*, to inform him of the Nature of the English Constitution, and to let him know by what Sort of Laws the Realm, in which he was to Succeed his Father, was to be Governed. And therefore he adjures him over and over again to Addict himself to the Understanding of the Laws of his Father's Realm, wherein he was to Succeed, *Fol.* 16. *a.* and having shewed the Prince the Different nature of Realms, where a King could Tyrannize, and where he could not, being restrained

ſtrained by Politick Laws, *Fol. 26. b.* Rejoyce therefore (ſays he) moſt excellent Prince and be glad, That the Law of the Realm in which you are to ſucceed is Such, for it ſhall exhibit and miniſter to You and your People no ſmall Security and Comfort.

But out of that excellent Book which I believe no way Warped, (for then it muſt lean towards the Court, partly becauſe of the Flattery and Officiouſneſs which is too often found in Dialogues with Princes, and partly becauſe the Author was retained on the Crown ſide by the Greateſt Office in *England*;) I will confine my Self to thoſe Paſſages only which relate to the Frequency of Parliaments. And the firſt I meet with is in his 18*th* Chap. concerning the Statutes of *England* in theſe words. " Et ſi Statuta hæc, tantâ ſolemnitate & prudentiâ edita, efficaciæ tantæ, quantæ conditorum cupiebat intentio, non eſſe contingant: *Concitò* reformari ipſa poſſunt, at non ſine Communitatis & Procerum Regni illius aſſenſu, quali ipſa primitùs emanarunt. And if theſe Statutes fall ſhort of their intended Efficacy, though deviſed with ſuch great Solemnity and Wiſdom of Parliament; they may very Quickly be Reformed, but not without the Aſſent of the Commons and Peers of the Realm, which was their Source from the beginning.

Now I only deſire that the word *Concitò* may be taken notice of, which is the quickeſt Word that can be imagined, and ſhews that our Parliaments were always at Hand; and the whole Paſſage ſhews for what Wiſe and Juſt Reaſons they were ſo.

The next Paſſage is Chap. 53. *Fol.* 129. *a.* " Neque Leges Angliæ frivolas & infructuoſas permittunt inducias. Et ſiquæ in Regno illo dilationes in Placitis minùs accommodæ fuerint uſitatæ, in Omni Parliamento amputari illæ poſſunt: etiam &. Omnes Leges Aliæ in Regno illo uſitatæ, cum in aliquo *Clavdicaverint*, in Omni Parliamento poterunt Reformari. Quo recte concludi poteſt, quod *omnes Leges Regni illius Optima ſunt in actu vel potentiâ*, quo faciliter in actum duci poterunt & in Eſſentiam realem. Ad quod faciendum, quoties æqui-

tas

" tas id popoſcerit, ſinguli Reges ibidem Sacramento aſtringun-
" tur, ſolemniter præſtito tempore receptionis Diadematis ſui.
Neither do the Laws of *England* allow in Law-ſuits frivolous and fruitleſs Delays. And if in this Kingdom Delays in Pleas which are not to the purpoſe ſhould be uſed, they may in every Parliament be cut off. Yea, and all other Laws uſed in the Realm, when they *Halt* or are Defective in any point, they may in every Parliament be ſet to Rights. Whereupon it may be rightly Concluded, that the Laws of *England* are the Beſt in the World, either Actually or Potentially, ſince they can eaſily be brought into Act or Being. To the performance whereof, as often as Equity ſo requireth, Every King is bound by an Oath ſolemnly taken at the time of receiving his Crown.

Out of this laſt Paſſage I will not trouble you with any more Obſervations than theſe;

Firſt, That Parliaments are the Remedy againſt Delays in Law-Proceedings: But how if Parliaments themſelves ſhould be Delayed?

Secondly, That if any or all our Laws ſhould Halt, and our Parliaments at the ſame time ſhould be Crippled too, and not be able to come together; they could not help one another.

In the next and laſt Chapter of that Book, *Fol.* 129. *b.* the Prince immediately replies. " *Princeps.* Leges illas, nedum
" bonas ſed & optimas eſſe Cancellarie, ex proſecutione tuâ in
" hoc Dialogo certiſſimè deprehendi. Et ſiquæ ex illis melio-
" rari depoſcant, id *Citiſſimè* fieri poſſe, Parliamentorum ibidem
" Formulæ nos erudiunt. Quo realiter, potentialiterve, Reg-
" num illud ſemper præſtantiſſimis Legibus gubernatur. Nec
" tuas in hâc concionatione doctrinas futuris Angliæ Regibus
" inutiles fore Conjicio; dum non delectent regere legibus quæ
" non delectant. Says the Prince, My Lord Chancellor by the Tenour of your Diſcourſe in this Dialogue I am throughly ſatisfied, that the Laws of *England* are not only Good, but the Beſt in the World. And in caſe any of the Laws want to be mended or improved, the Rules of the Engliſh Parliaments do

inſtruct

inſtruct us, That that may be done forthwith. Whereupon the Realm of *England* is always Governed by the very beſt Laws, either in Reality or in Poſſibility. And beſides I conjecture that the Doctrines that have been held forth in this Dialogue will be very uſeful to the Kings of *England* that ſhall come hereafter; ſince no Body likes to Govern by Laws which they do not like.

After all theſe Lauds and Praiſes of the Engliſh Laws, which the Chancellor has ſtuck all over with Stars quite through his Book, and has made their Perfection to Center in this, that they either Are or Soon may be the Beſt in the World, becauſe in caſe they labour under any defect, that Fault may be Immediately amended by a wiſe Senate: What if that wiſe Senate be no where to be found, or is at no Certainty? It is then Impoſſible to render the Chancellor's Latin into Engliſh. For the ſpeedy Perfection of the Engliſh Laws which the Prince and he are agreed is *Concitò & Citiſſimè*, may be rendred, either at the Four Years end, or the Twelve Years end, or at the World's end. For ſo I am ſatisfied it was meant, after a Ten Year's Interval of Parliaments, if the Herb-woman at *Edinburgh* had not thrown her Cricket-ſtool at the Arch-Biſhop's Head. And ſo Dr. *Heylin* I remember does not ſo much acknowledge that Secret as Juſtify it. It is in his little Book of Obſervations upon *Hammond L'Eſtrange*'s Hiſtory of the Reign of K. *Charles* I. Says *Hammond*, upon the Diſſolution of that wiſe Parliament in 28. (to whom we owe the Petition of Right) All wiſe Men concluded that there was an end of all Parliaments. Yes, ſays *Heylin*, ſo they might well, the King having been troubled with their Impertinencies, and having an Example in *France* before his Eyes, where Parliaments have been ſo much diſcontinued, that it is become a Proverb amongſt them, *Voyons le Jeu de Trois Eſtats*, as the ſtrangeſt Sight which can be ſeen in an Age. I have not the Book now by me, but I will be anſwerable for the Subſtance of this Quotation, having retained this Paſſage in my Head above theſe Five and Twenty Years.

I can only touch ſeveral other Arguments which might be enlarged upon. The High Court of Parliament is the Dernier Reſort in this Kingdom; and if that fail, there may be a failure of the Engliſh Juſtice.

Bracton ſays of an Ambiguous or Difficult Cauſe, *Reſpectuetur ad magnam Curiam*; but unleſs Parliaments be Frequent, ſuch a Cauſe is Adjourned to a long Day.

Every Body that underſtands the Engliſh Conſtitution knows that it is exactly the ſame as it was laid down in Parliament 8 *Ed.* 4. by the Lord Chancellour that then was. You have it in Sir *Robert Cotton*'s Abridgment of the Rolls in the *Tower*, *p.* 682. in theſe words. " He then declared the three Eſtates to com-" prehend the Governance of this Land, the Preheminence " whereof was to the King as chief, the ſecond to the Lords and " Biſhops, and the third to the Commons. Now if we are at a loſs or uncertainty about our Parliaments, we are at a loſs or uncertainty about two thirds of our Government.

But I will ſay no more upon this Head, intending to ſhew in the following Chapters, how the matter of Parliaments ſtood in former Ages.

CHAP. II.

Shewing how Parliaments ſtood in King Alfred's *Time, and afterwards.*

I Chuſe to begin with this Period of Time in King *Alfred*'s Reign, becauſe we have clear Law and Hiſtory to ſhew how Parliaments ſtood in his Time, and what Law was Ordained concerning them for ever.

It is in the Mirror of Juſtice, which as my Lord *Coke* ſays in his Preface to his Tenth Reports, was written in the Saxon Times, and it appears by the Book it ſelf: But ſeveral things were added to it by a Learned and Wiſe Lawyer *Andrew Horne*, who lived in the Reign of *Ed.* 1. and *Ed.* 2. Antiquity enough for

a Book, we desire no more; for we are sure that no Commonwealths Man had the Penning of it.

The words of the Myrror are these, *p.* 10. " Pur le estate del Royalme fist l' Roy Alfred assembler les Comitees, & ordeigne pur Usage Perpetuelle, que a deux foits per l'an ou pluis-sovent, pur nessier, en tempts de peace se assembleront a Londres pur Parliamenter sur le guidement del people d' Dieu, comment gents se garderent de peche, beverent en quiet, & recieverent droit per certaine usages & saincts judgements. Per cel estate se fierent plusiours ordinances per plusors Royes jesque al ore Roy; Les quells Ordeinances sont disuses per meins sages, & pur default que elles ne sont my mise en escript & publies en Certeine. For the Good Estate of the Realm, K. *Alfred* caused the Counties to Assemble, and Ordained it for a Perpetual Usage, that at Two Times yearly, or oftner if need were, in Time of Peace, they should assemble at *London*, to sit in Parliament, for the Guidance of God's People, how the Nation should keep themselves from Sin, live in Quiet, and receive Right by certain Usages and holy Judgments. By this Estate were made many Ordinances by several Kings down to the King that is now; (which says the Margin was *Edward* the First): which Ordinances are disused by some that are not so wise, and for want that they are not put into Writing and published in Certain.

In this Passage the Two Times a Year seem to be Stationary; the Calling a Parliament Oftner than Two Times a Year *if need were*, is plainly intended for Contingencies of State, and when the *Ardua Regni*, or Extraordinary Affairs of the Nation require an Extraordinary Parliament. I say, and will make out to all the World, by Laws and Declarations of Parliament, that the King has a Power of calling Parliaments within the Law; But I never did, nor never will say to the end of my Life, that the King can hinder Parliaments Appointed by Law. These Frequent Parliaments were to meet at *London* in Time of Peace. We see then what has interrupted our Parliaments both

to

Time and Place. For *London* was after in the hands of the Dane, and Foreigners Wars and Tribulations came on.

But the beſt way is to let an Author explain himſelf, which the *Mirror* does in telling us likewiſe the Abuſions of the Law, or the Contrarieties and Repugnancies to Right, or as he calls it, the Fraud and Force which is put upon Law. This way of writing Law is the beſt that can be invented, for it is the way of Preaching by Poſitive and Negative, which is a two-edged Sword, and cuts both ways. And the Truth of it is, the Negative part of the Law, which lies in a little Compaſs, oftentimes teaches us a world of the Poſitive. For inſtance the 33 Articles in the Roll, 1 *H.* 4. *m.* 20. which K. *Richard* the 2*d* ſolemnly acknowledged of his own Male-adminiſtration, do give us more light into the Conſtitution, than a Book of ſix times the bigneſs could do.

But to come to the Abuſions of Law which are in the *Mirror*, p. 282. He ſays, that the Firſt and Sovereign Abuſion is for the King to be beyond the Law, whereas he ought to be ſubject to it, as is contained in his Oath: Though the ſecond is my Buſineſs, which is in theſe words. 2. "Abuſion eſt, que ou les "Parlaments ſe duiſſent faire pur le ſalvation des Almes de "treſpaſſors, & ceo a Londres & deux foits per An, la ne ſe "ſont ils forſque rarement, & a la Volunt le Roy pur aides & "cuillets de treſore. Et ou les Ordinances duiſſent faire al "Common aſſent del Roy & de ſes Counties la le ſe font ore "per le Roy & ſes Clerks; & per aliens & autres que noſent "contravener le Roy; eins deſirent de luy plaire; & de luy "Counſeller a ſon profit, tout ne ſoit my le Counſel Cove-"nable al Commons del People, ſans appeller les Counties, "& ſans enſuer les Rules de droit, & dount pluſores Ordi-"nances ſe foundent ore pluis ſur Volunt, que ſur Droit. The ſecond Abuſion of the Law is, that whereas Parliaments ought to Convene for the Salvation of the Souls of Treſpaſſors, and this at *London*, and Two Times in the Year, now a days they meet but ſeldom, and at the Will of the King for Aids and

Gatherings of Treaſure: And whereas Ordinances ought to be made by the Common Aſſent of the King and his Counties, now they are made by the King and his Clerks, and by Aliens and others that dare not Contradict the King, but deſire to Pleaſe him, and to Counſel him for his own Profit, though it be not Counſel which is Convenient for the Commons of the People; without applying to the Counties, and without following the Rules of Right; Whereupon there are ſeveral of the preſent Ordinances that are rather founded upon Will, than upon Right.

From this Paſſage I ſhall only obſerve, that the Place of a Parliament's meeting is Fixed, and ſtill at *London*; And that the Two Times a Year was ſtanding Law down to King *Edward* the Firſt, though Abuſions and Court-Practices had broken in upon the Law.

Now let us ſee how the Law ſtood afterwards; wherein I can only conſult the Books I have by me, for I have not Health enough to go and Tranſcribe the Records in the *Tower*, but take them upon Content as they lie in Sir *Robert Cotton*'s Abridgment of the Records in the *Tower*. And there in the very firſt Page, 5 *Edw.* 2. it is Ordained, " *Que Parliament ſerra tenus en* " *ou deux foits per An.* That a Parliament ſhall be held one Time or Two Times a Year. Here you ſee the Twice a Year is dwindled into Once or Twice.

The next is *p.* 93. of the ſame Book, 36 *Ed.* 3. " The Print " touching the Yearly holding of a Parliament, *cap.* 10. agree- " eth with the Record. Now the Print is, " *Item*, for Main- " tenance of the ſaid Articles and Statutes, and Redreſs of di- " vers Miſchiefs which Daily happen, a Parliament ſhall be " holden every Year, as another time was Ordained by Statute.

Now that Statute, as I find by the Statute-Book, for I cannot find it in Sir *Robert Cotton*, is thus, 4 *Edw.* 3. *cap.* 14. " *Item*, it is accorded, that a Parliament ſhall be holden every " Year Once, and more Often if need be.

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By the Reaſon given in the 36 *Edw.* 3. *cap.* 10. juſt now recited for a Yearly Parliament, one would think it ſhould be a Daily Parliament; becauſe it is for the Maintenance of former Statutes, and Redreſs of divers Miſchiefs which Daily happen: But I believe that a Parliament which Sits but Forty Days in the Year are able to do that Work; Concerning which we will enquire further afterwards.

In the 50 *Ed.* 3. *p.* 138. The Parliament's Demand or Petition is this, " That a Parliament may be holden every Year; " the Knights of the Parliament may be choſen by the whole " Counties; and that the Sheriff may likewiſe be without " brokage in Court.

The King's Anſwer is this. " To the Parliament, there are " Statutes made therefore; To the Sheriffs there is anſwer " made; To the Knights it is agreed, that they ſhall be choſen " by common Conſent of every County.

After theſe Three Laws in *Ed.* 3*d*'s Time, we come to the Firſt of King *Richard* the Second, *p.* 163. where the Petition or Demand for a Yearly Parliament is this. " That a Parliament may be Yearly holden in convenient place, to redreſs " Delays in Suits, and to end ſuch Caſes as the Judges " doubt of.

The King's Anſwer is. " It ſhall be as it hath been uſed.

In the 2 *R.* 2. *p.* 173. By the King's Commandment one Cauſe of opening the Parliament is Declared to be this. " Secondly, for that it was enacted that a Parliament ſhould " Yearly be holden.

Nay, if the Court inſiſt upon a Yearly Parliament, the Country may and ought.

Thus ſtood the Law of *England* till the 16 *Caroli* 1. when that King having diſcontinued Parliaments for Twelve Years, and created a Diſtruſt of him in the Breaſts of his People which was Juſt; (for if a Prince ſpoil the Government for Twelve Years together, who ſhall Truſt him in the Thirteenth?) The Nation found a Neceſſity of having a Cautionary Parliament every Third Year, to ſecure their Annual Parliaments for the

Two

Two Years immediately foregoing. This is the true Reaſon of the Act for a Triennial Parliament, which was a perfect Innovation both Name and Thing. For I challenge any Antiquary, Lawyer, or Perſon whatſoever that has turned over Books, to ſhew me the word Triennial joined to the word Parliament, from the Foundation of this Government till the Year 1640. A Triennial Parliament therefore is ſo far from being the Conſtitution of this Government, that if it were ſo, a great number of our preſent Lords and Commoners are Older than the Conſtitution, and were Born before it. But as I ſaid before, that Act was only a Cautionary Act, as a Town or Gate of a City is taken in Caution, for performance of Articles. This appears by the firſt thing which is Enacted in that Law, namely, *That the Laws for a Parliament to be holden at leaſt once a Year, ſhall hereafter be duly Kept and Obſerved.* Scobel's *Coll.* 16 *Car.* 1. *cap.* 1.

This Act was Gently drawn up, and had more of a Proſpect than a Retroſpect, and does not look back into thoſe Oppreſſions which King *Charles* himſelf in his large Declaration of *Auguſt* the 12*th* does acknowledg were Inſupportable; which were wholly owing to this long Intermiſſion of Parliaments: but it wiſely provides, that in caſe the two firſt Years Parliaments ſhould fail, then came a Peremptory Parliament, which the King and Keeper might call if they pleaſed; but if they did not, the Counties and Burroughs of *England* were forced to ſend. It is an Act that executes it ſelf, like our Act for Burying in Woollen; and he that will ſee the Wiſdom of it, may read it where I have quoted it.

After this comes the Act 16 *Car.* 2. *cap.* 1. and repeals this Triennial Act, becauſe they ſay, "It is in Derogation of his "Majeſty's juſt Rights and Prerogative, inherent to the Im- "perial Crown of this Realm for the Calling and Aſſembling "of Parliaments; whereupon the Triennial Act is Annulled as if it had never been made.

I wiſh it had never been made. But we will ſtop there firſt. It is annulled as if it had never been made: There is nothing loſt by that; for then our Parliaments are where they were, which was Due Annual.

Well now let us ſee what Alteration is made by this New Act, 16 *Car.* 2. which follows in theſe words, *Sect.* 3. "And be- "cauſe by the Ancient Laws and Statutes of this Realm, made "in the Reign of K. *Edward* the 3*d*, Parliaments are to be "held very often, (that is once or twice a Year) Therefore they ſhall not be Diſcontinued above Three Years at the moſt. I do not uſe to Admire Conſequences which I do not underſtand. But under favour, I would be taken right. I ſay, that the Recital of the Ancient Laws of this Realm does not Repeal them, Diſannul them, *anneantir*, any thing, nothing; when there is not one *Repealing* Word concerning them in that Statute. 4 *E.* 3. *c.* 14. 36 *E.* 3. *c.* 10.

I knew what I ſaid when I wiſhed the Triennial Bill of Forty had never been made; and it muſt be remembred that that Act is as if it had never been made; For it gave occaſion to ſome Men that came in with the Deluge of the Reſtauration, when it rained Cavaliers, (though I value all Mens Rights more than my own, and Princes moſt becauſe they are biggeſt) and it prompted them to think of turning a Cautionary Triennial, into a Diſcretionary. But God be thanked they wanted Words to expreſs themſelves; and if they meant it, they have not done it.

But ſo as they did put the Act together, and as it now ſtands, there are ſeveral things in it worth obſerving. 1*ſt*. That *if there be occaſion there ſhall be more and oftner* Parliaments, than once in Three Years. Now I ask for whoſe ſake was that Clauſe Enacted? Not for the King's, for he was always enabled by his Prerogative, for the ſake of the *Ardua Regni*, to call a Parliament every Month in the Year: Well then it was for the ſake of his People, that if they judged *there was Occaſion for more or Oftner* Parliaments, they might ask for them. For I

appeal

appeal to Common Senſe, whether it be not Ridiculous, and wonderfully beneath the Dignity of a Parliament, when a Prince was bound by his Coronation-Oath to Call a Parliament Once a Year, or oftner if need were, (for ſo the Law ſtood, and ſo this Prince was at that time Bound) to Interpret a Law after ſuch a manner, as to ſay he was Enabled to call a Parliament Oftner than once in Three Years.

So much for that Point; the next is this. The Upſhot of this Act of Parliament, and the Concluſion of the whole Act is in theſe words. " To the end, there may be a frequent Cal- " ling, Aſſembling, and Holding of Parliaments once in Three " Years at the leaſt. I do ſay, that if ever we came to Low-water Mark in our Laws about Parliaments, and if ever they run Dregs, it was in the Time of *Charles* the 2*d*. And yet it was enacted, and was the End of that Law, that One ſhould be Called, Once in Three Years at the leaſt. Now I leave it to the Lawyers to tell, whether a Proclamation can call a Parliament, or any thing elſe beſides a Writ of Summons and a Writ for Elections?

And thus have I run through the Law of Parliaments till t'other Day, and conſidered what is the Law at preſent. From King *Alfred*'s Time down to *Edward* the Firſt, it ſeems to have been the ſtanding Law to have Parliaments Twice a Year. I know that the Invaſions of ſeveral Nations both Danes and Normans, and the Revolutions and Diſturbances of State which happened, muſt needs cauſe frequent Interruptions in the practice of it. But my reaſon to be of that Opinion is this, becauſe *Horne* who lived in thoſe Times, ſays, That Parliaments at that Time ought to meet twice a Year, and that at *London*; and that the Intermitting of Parliaments was the Greateſt Abuſion of the Law but one. Though I think I have ſtill a Greater Authority than *Horn*'s, (if any thing in this World can be bigger than that of an Able and Honeſt Man); But it is a King in his Letter to the Pope. It is in the Clauſe Rolls *Anno* 3. *Ed.* 1. *m.* 9. *Cedula.* and is to be ſeen in *Prynne*'s large Book *p.* 158.

158. I will quote no more of it than is for my purpoſe. *It* is concerning the Yearly Tribute of a Thouſand Marks which the Popes from K. *John's* Time claimed, and there were ſeveral Years Due. The Pope's Nuncio ſollicites the Matter, but the King excuſes himſelf that he had come to no Reſolution in his *Eaſter*-Parliament, but by Common Advice he would give him an Anſwer in his *Michaelmaſs*-Parliament next following. At preſent I only mind the wording and way of expreſſing theſe two Parliaments. Concerning the Firſt, he ſays, "In Parliamento quod circa Octabas Reſurrectionis Dominicæ celebrari in "Anglia Conſuevit. In a Parliament that Uſed to be held in *England* about the Octaves of *Eaſter*. That word *Conſuevit* amounts to Cuſtom and Uſage, and ſeems to expreſs a Parliament *de More*. He ſays, That the Parliament *was in Octabis*, and by Occaſion of his Sickneſs, (after they had made ſeveral good Laws, and redreſſed many Grievances, but not all that lay before them) for the Reaſon aforeſaid, That Parliament was Diſſolved, and the King could not treat with them about the Pope's Petition of Tribute. But he promiſes to do the Pope Reaſon in his *Michaelmaſs*-Parliament which he intended.

Now let us ſee how that is expreſs'd; "Pro firmo ſciturî, "pie Pater & Domine, quod in alio Parliamento noſtro quod "ad feſtum Sancti Michaelis prox. futur. intendimus, dante "Domino, celebrare, habito & communicato conſilio cum Prælatis & Proceribus memoratis, vobis ſuper præmiſſis, ipſorum "conſilio vobimus reſponſionem. Know for certain, Pious Father and Lord, That in another Parliament of Ours which we intend to hold at *Michaelmaſs* next enſuing, with God's leave; We and the Prelats and Peers aforeſaid conſulting together, according to their Advice will give you an Anſwer upon the Premiſſes.

But I will ſay no more upon this Head, being intent upon another.

CHAP. III.

Shewing, That the Yearly Parliaments were Fresh and Fresh.

THERE are several ways of proving that there was a New Election every Year. They tell me there are Writs extant for New Elections for Fourscore Years Successively, when there are but about Six wanting. What if they had been all lost, imbezelled or made away? What then, is our Constitution lost, when Bundles of Writs are lost? No, I will go no further than this last Letter to shew that there is a great Appearance that while there were Two Parliaments in a Year, the Second must be new Called. Though I hate the word New applied to a Parliament; for a Parliament is a Parliament, and our Ancestors would no more have dream'd of a Stale or Old Parliament, than of an Old Moon cut out into Stars. I will cite the words of King *Edward*'s Letter, dated the 19th of *June* in the third of his Reign, and when that's done, let the Reader make his own Judgment upon them.

It was in the Interval betwixt his *Easter* and his *Michaelmas* Parliament. " Set antequam eidem Parliamento propter negotiorum multitudinem quæ reformationis remedio indigebant finem imponere valeremus, eodem Capellano nostro responsionem debitam sibi fieri instanter postulante, quædam gravis nos invasit, sicut Domino placuit, infirmitas Corporalis, quæ perfectionem multorum aliorum negotiorum, & deliberationem petitionis Census annui supradicti, de qua dolemus non modicum, impedivit; sicque cum occasione infirmitatis hujusmodi, a qua per Dei gratiam, cujus est proprie & mederi, incepimus convalescere, idem Parliamentum fuerit dissolutum, & super hoc nequiverimus super petitione Census ejusdem deliberationem habere cum Prælatis & Proceribus antedictis. To this Sense. But before we could put an end to that Parliament, because of the Multitude

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of Grievances which lay before them, your Nuncio in the mean time diligently Solliciting your Buſineſs, a great Diſtemper as it pleaſed God befel me, which hindered the finiſhing of many other Matters, and treating about the Petition of the Yearly Tribute, which is a great Grief to me; and ſo by reaſon of my ſaid Illneſs, (from which by the Grace of God, in whoſe Hands are the Iſſues of Life and Death, I begin to Recover) That Parliament was Diſſolved, and hereupon I could not Treat with the Prelates and Peers aforeſaid about this Tribute.

From this long Quotation I ſhall only make this Obſervation at preſent, That in this Parliament begun in the Octaves of *Eaſter* (perhaps upon *May*-Day) there was a great deal of Buſineſs done, and a great deal of Buſineſs left undone; amongſt the reſt the Pope's, becauſe of the King's Sickneſs, who thereupon could not give Anſwers to Bills or Petitions; and that the Nuncio's Petition was Unanſwered, went to the King's Heart. But upon Occaſion of that Sickneſs it was that the Parliament was Diſſolved, and the Pope's Buſineſs hindred, to the King's great Regret. What, could not the King keep this Parliament alive till the Nineteenth of *June*, when he himſelf began to be well again, which is the Date of the Letter? It is no more than Fifty Days from their firſt ſitting down to the Date of his Letter, and yet though he ſet his Heart upon the Buſineſs that lay before that Parliament, it was Diſſolved; and to ſtop that Gap he promiſes to call Another Parliament at *Michaelmaſs*. Then it ſeems they did not underſtand the Method of Prorogations, and it is unknown to me by what Law it came in. If there be ſuch a Law, I never minded it, for I am ſpeaking of the Conſtitution, and not of Innovations.

But I believe the true Reaſon of the Abrupt Diſſolution of that Summer Parliament in Conjunction with the King's Sickneſs, was this, That if they had been held till *Michaelmaſs* though there was then to be Another Parliament, it muſt have been at the King's Charge. For I am of Opinion by what I have ſeen even as low as *Richard* the 2*d*'s Time, that the Sitting

of a Parliament was usually Forty Days; and that the Quarantain was not duly kept in this Parliament 3 *Ed.* 1. of the Octaves of *Easter*. But there was a Concern in holding a Parliament above Forty Days about the Knights and Burgesses Wages. As appears by that Memorable Record which is in *Knyhton*, p. 2682. being the Message sent by both Houses to K. *Rich.* 2. at *Eltham*. The words are these. " Dicunt etiam quod habent " ex antiquo Statuto quod si Rex a Parliamento suo se alienaverit sua sponte, non aliqua infirmitate aut aliqua alia de causa " necessitatis, set per immoderatam voluntatem proterve se subtraxerit per absentiam temporis 40. dierum tanquam de vexatione populi sui & gravibus Expensis eorum non Curans, " extunc licitum omnibus & singulis eorum absq; domigerio " Regis redire ad propria & unicuiq; eorum in patriam suam " remeare. In short, they say they have an Ancient Statute for it, that in case the King wilfully absent himself and will not come to Parliament, As having no Care of vexing his People, *nor Regard of their great Expences*, after Forty Days, they are Free to go Home, and the King has no Wrong done him.

Now what is the meaning of these Forty Days, but that they had waited a Just Session? And how should the Parliament-Mens Wages be otherwise adjusted, when at the end of every Parliament in those Times they were dismissed, with desiring them to sue out their Writs for their Wages? And I leave it to the Antiquaries, because I am not now able to Travel in that Point, to consider how the several Proportions of Land which are allotted for the Knights and Burgesses in several Counties for their Wages, can be adjusted, without a Certainty of the Length of their Sessions.

But not a word of this is my present Business, which was to shew that Parliaments by the Constitution are not to be Stale; as I have seen one in my Time retained about Nineteen Years with Pensions, and another for fewer Years with Places and turning out of Places: But if a Parliament were corrupted neither of these ways, yet a standing Parliament will always

Stagnate,

stagnate, and be like a Country-pond which is over-grown with Ducks-meat. The worst King one of them that ever the Nation had, was so limited by the Constitution, that he did not know how to compass a long Parliament, and therefore he was fain to take other indirect Ways to gain the same Point as if he had one. It was *Rich.* the *2d.* who in the Articles alledged against him, and confessed by him, lets us know it was by influencing Elections and false Returns. The words as they stand in the Rolls 1 *H.* 4. *m.* 20. are these.

"19. *Item*, Licet de Statuto, & consuetudine Regni sui in "Convocatione cujuslibet Parliamenti populus suus in singu- "lis comitatibus regni debeat esse liber ad Eligendum & depu- "tandum milites pro hujusmodi comitatibus ad interessendum "Parliamento, & ad exponendum eorum gravamina, & ad "prosequendum pro remediis superinde prout eis videretur "expedire; tamen præfatus Rex ut in Parliamentis suis liberius "consequi valeat suæ temerariæ Voluntatis effectum, direxit "mandata sua frequentius Vice-comitibus suis, ut certas perso- "nas per ipsum Regem nominatas ut milites comitatuum ve- "nire faciant ad Parliamenta sua, quos quidem milites eidem "Regi faventes inducere poterat, prout frequentius fecit, quan- "doq; per minas varias, & terrores, & quandoque per munera "ad consentiendum illis quæ regno fuerant præjudicialia, & "populo quamplurimum onerosa; & specialiter ad concedendum eidem Regi subsidium lanarum ad terminum vitæ suæ, "& aliud subsidium ad certos annos, suum populum nimium "opprimendo.

19. *Item*, Although by Statute, and the Custom of his Realm in the Calling of Every Parliament in every the Counties of *England*, his People ought to be free to Choose and depute Knights for the said Counties to be present in Parliament, and to lay open their Grievances, and to prosecute for Remedies thereupon as they think fit, notwithstanding the said King that in his Parliaments he might obtain his Will which was Rash, often directed his Mandates to his Sheriffs, that they should

should Return certain Persons nominated by the King himself as Knights of the Shires, which Knights indeed he could make Pliable to him, and as he very often did, sometimes by various Threats and Terrors, and sometimes by Gifts, to Consent to those Things which were Prejudicial to the Realm, and extreamly Burthensom to the People; and particularly to grant the same King the Subsidy of Wool during his Life, and another Subsidy for certain Years, thereby too much Oppressing his People.

Now if he could have made Long Parliaments, he need not have made use of these mean Shifts. But he could make use of no other way, because Parliaments, as I said, were Fresh and Fresh, and Antiquity knew no other. And if any Man can make out of this Authentick Record, that it was any otherwise, *Then so many Parliaments so many Elections*, then I have done with Writing and Reading.

CHAP. IV.

Of the Kalends of May.

AT last I am come to search after the Head of *Nile*, and the true old Land-mark of the English Constitution. How Parliaments stood in the British times I am not so certain; but that there were Parliaments then, I am certain. I have it from the wise *Gildas*, that *Vortigern* and his foolish *Thanes* sent to the Saxons for help against the Picts and Scots, and took into their Bosoms a Warlike and Fierce Nation, whom at a distance they were afraid of. And they indeed of Course beat those that infested *Severus's* Wall, but they made mine Hosts that invited them in, Hewers of Wood and Drawers of Water. And those of the Britains that opposed them, the Saxons drove out of their Country, whereby as *Gildas* says all their Records were lost. But out of that Venerable Author we plainly see, that

that the Lamentable Letter which was ſent ſome few Years before to the Senate of *Rome*, was Written by a Britiſh Parliament. For whoſe ſake I beg of all Nations not to let in Legions of Foreign Nations to be their Maſters, for when they want them and their Protection moſt, they ſhall go without it. For when the Roman Legions were withdrawn out of *Britany*, (which cauſed our Enemies to make an Inſult) and the Britiſh Parliament begg'd hard to have them return, the Roman Senate's Anſwer was, that they were otherwiſe engaged; and they muſt help themſelves as they could, which made them betake themſelves to the Saxons. A very fair Anſwer to a Nation that was diſabled and diſarmed, after their Kings and Parliaments had been only Tax-gatherers to the Romans for ſeveral Hundreds of Years; as if you have no True Lord-Mayor, you muſt ſtill have Pageants, and ſomewhat that keeps up the Shew.

But after theſe Early Times, we have ſomewhat in King *Edward* the Confeſſor's Laws, which all ſucceeding Kings have been Sworn to, which I will try what to make of. It is an Yearly *Folkmote* upon the Kalends of *May*. I do not know readily what that Yearly *Folkmote* is, becauſe thoſe Laws of *Edward* the Confeſſor ſay that King *Arthur* Invented it; *Quod Arthurus Rex inclytus Britonum invenit*. Then I am ſure the Original Name of it was not *Folkmote*, Then we will mind the Name no more, but come to the Thing.

Sir *Henry Spelman* in the Learnedeſt Gloſſary that ever was Writ, I will not except Mr. *Somner's*, ſays thus under the word *Gemotum*. " Wittenagemot idem apud Angloſaxones quod " apud nos hodie Parliamentum, parumq; a *Folcmote* differe- " bat, niſi quod Hoc Annuum eſſet & e certis plerumq; Cauſis, " illud ex Arduis Contingentibus & Legum condendarum " gratiâ, ad arbitrium Principis indictum. A *Wittenagemot* was the ſame thing amongſt the Engliſh Saxons, as now at this Day a Parliament is amongſt us; and a *Wittenagemote* differed little from a *Folkmote*, only that this laſt was Annual, and chiefly ſat about the ſtanding Affairs of the Nation. The other was called

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at the King's Pleasure upon Emergencies of State and for the sake of making Laws.

Now let us see what the Learned Antiquary says concerning *Folkmotes* by themselves in the same place, *p.* 315. "In Folcmoto semel quotannis sub initio Kalendarum Maii (tanquam "in annuo Parliamento) convenere Regni Principes, tam "Episcopi quam Magistratus Liberiq; homines. Jurantur "Laici omnes coram Episcopis in mutuum fœdus, in fidelitatem Regis, & in Jura Regni Conservanda. Consulitur de "Communi Salute, de Pace, de Bello, & de Utilitate publica "Promovendâ. In a *Folkmote* Once every Year at the beginning of the Kalends of *May* (as in an Yearly Parliament) there Met together the Princes of the Realm, as well Bishops as Magistrates, and the Freemen. All the Laymen are sworn in the Presence of the Bishops into a Mutual Covenant with one another, into their Fealty to the King, and to Preserve the Rights of the Kingdom. They Consult of the Common Safety, of Peace, of War, and of Promoting the Publick Profit.

It follows in the next words, "Adhibetur præterea Folcmotum in repentino omni discrimine, exigente etiam necessitate, sub Aldermanno (hoc est Comite) cujuslibet Comitatus. Besides a *Folkmote* is used in every suddain Danger, and likewise if Necessity require it, under the Alderman (that is the Earl) of every County.

This last is plainly a Provincial *Folkmote* in time of Necessity; but the former part of the Sentence seems to intimate, that upon a Surprize when the King had not time to call a Parliament, the last *Folkmote* met; as the last *Westminster* Parliament did, to give the Prince of *Orange* the Administration, before it was Possible to have a Parliament Elected.

Though the former Description of the General and not the Provincial *Folkmote* is our present Business. And at the first sight it looks like a Full Parliament, for it consists of the *Princes, as well Bishops as Magistrates, and the Freemen*; that is to say, the Chiefs of the whole Nation. And they are employed

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in Parliament-work, for *they Conſult of the Common Safety, of Peace, of War, and promoting the Publick Profit.* And did not the General Title of our Laws every Seſſion run thus; To the High Honour of God, and to the Profit of the Common-Wealth? If ever there were Wites in Parliament, ſure it was *Princes, as well Biſhops as Magiſtrates, and the Freemen.* Why then does this Learned Knight diſtinguiſh betwixt a *Wittenagemote* and a *Folkmote*, ſeeing they were both made up of Wites? I am governed by Things and not by Words, and am throughly ſatisfied that an Aſſembly which does Parliament-Buſineſs is a Parliament. And no doubt the *Folkmote* made Laws; for it is not to be ſuppoſed that an Aſſembly of the whole Nation ſhould ſit Conſulting Forty Days of Peace and War, of Armies and Fleets, (which in thoſe Days were Three Thouſand Ships, and were able to make out the Dominion of the Seas); of the Grievances of the Nation, and the Redreſs of thoſe Grievances; and of Providing for the Common Profit of the Realm; and after all not to be able to enact their own Concluſions. That is juſt as if our preſent Parliament ſhould ſpend Forty Days in finding out Ways and Means for the raiſing Money, and afterwards were not able to put them into a Law: Or as we Private Men uſe to Conſult and Debate, and Settle the Nation over a Diſh of Coffee, without being able to oblige one ſingle Man to our Orders.

The Thing which miſled this Great Antiquary (as I conjecture) to make this Mark of Difference betwixt a *Folkmote* and a *Wittenagemote*, as if a *Wittenagemote* made Laws and a *Folkmote* not, is this; That when the Saxon Kings iſſued out their Laws, they ſaid they had paſſed in their *Wittenagemote, Concilio Sapientum*, or Council of Wiſe Men: And it was proper for the King to call his *Folkmote* by that Name, though not for them themſelves. As for Inſtance, the Writs of Election at this Day call for ſome of the *Diſcreeteſt* to be choſen to Parliament, though the Members do not aſſume

that Title: And I know so much of the Old English Genius, that they would no more have called themselves a *Wittenagemote*, than this present Parliament would call their Votes which come out Day by Day, *Journal de Scavans*.

But I will wave Conjectures even in Antiquities, (though we are there oftentimes forced to go in the Dark, to tread upon Ruins, and to feel out our Way;) because I have direct Proof that the *Folkmote* made all the Laws we ever had. And for this I will go no further than to the third Branch of the Usual and Accustomed Coronation-Oath taken by the former Kings of *England*, and taken twice by *Richard* the Second, 1 *Hen.* 4. Membr. 20. *inter Decem Scriptores*, p. 2746. in these words, spoken to the King by way of Question. "Concedis justas Leges & Consuetudines esse tenendas; & "promittis per te esse protegendas & ad honorem Dei cor- "roborandas quas Vulgus elegerit, secundum vires tuas? "*Respondebit*, Concedo & promitto. Do you grant that the just Laws and Customs which are of the Folks Chusing shall be kept, and do you promise that they shall be Protected, and to the Honour of God receive Affirmance by you, to the utmost of your Power? *The King shall Answer*, I Grant and Promise.

Now I would fain know, How a *Folkmote* can be otherwise expressed in Latin than by the Word *Vulgus*, which is a Collective Word: Or how the *Vulgus* or Folk could chuse Laws any otherwise than in a *Folkmote*?

I will not enter into the stiff Dispute which exercised King *Charles* the First and his Parliament for a long time, whether the word was *Præter Tense* or *Future*, and whether the Word was best rendred in the French Translations, the Laws which the Folk *auront esleu*, shall have chosen, or which the Folk *esliront* shall hereafter Chuse; whereupon they said that he was bound to Sign and Affirm all the Laws they should hereafter present to him, and that he could not make use of a Negative

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without Perjury. I say that that whole Dispute was not worth a Farthing. For if the Folk Chose the Laws all along down to King *Richard* the Second's Time, and the Kings were sworn to allow them, then we know how the Laws antiently were made; And who cares whether *Esserom* or Choosing for the future be the Sense of the Word or no? For if the Folks Choosing was the Constitution in King *Richard* the Second's Time, then I would fain know in what King's Reign it was afterwards that the Constitution was altered.

In short, the Folke Chose the Laws; and I believe the English *Folkmote* and *Wittenagemote* will be found to be old *Homer's* River,

Ὃν Ξάνθον καλέεσι θεοὶ, θνητοὶ δὲ Σκαμάνδρον,

Which the Gods call *Xanthus*, but mortal Men call *Scamander*. Now though *Scamander* be the homelier Name, yet it is the same River.

I cannot but say there was some Difference betwixt the *Folkmote* upon the Kalends of *May*, and the *Folkmotes* which the King always called for his *Ardua Contingentia* or Contingencies of State: But the Difference lay only in this, that the *Folkmote* of the Kalends of *May* was a Parliament *de more*, and of Course, who Assembled themselves, *sub initio Kalendarum Maii*, says *Spelman*, and were bound to do so, *in Capite Kal. Maii*, say the Laws of *Edward* the Confessor, *cap.* 35. *de Greve*; (and out of that Chapter has Sir *H. Spelman* extracted his true Account of a General *Folkmote*, which was Anniversary:) whereas a *Wittenagemote* or Extraordinary Parliament or *Folkmote* was Summoned at the King's Pleasure, and was ever at his Call both for Time and Place. Other Difference I can find none. For as for the Constituent Parts of a *Folkmote*, if *the Princes of the Realm, as well Bishops as Magistrates, and the Freemen*, cannot denominate a *Wittenagemote*, I know not where the King will find his Wites, or Wise-men. I have spoke to that Point al-

ready. I have likewise spoken to the Point of the *Folkmotes* making of Laws. We find indeed the Saxon Kings in the Preface of their Laws which were made in Extraordinary Parliaments, Decreeing with their Wites, (mid minan Witenan) some at *Greatanlage*, and at *Midwinter* afterwards at *Exceſter*, as King *Athelſtan*; some at Lundenbrig at the Holy Eastertide, as King *Edmund*; others at *Wodeſtock* in *Mercialand*, and others at *Wincheſter*. Whereby it appears that the Kings of *England* had a Power to Summon Parliaments when and where their Weighty Affairs required them, in all Places of the Realm, and at all Seasons of the Year. This is an undoubted Prerogative lodged in the King for the sake of the *Ardua Contingentia*; and no Man would Govern a Kingdom that could not Command the Advice and Assistance of his Subjects to be forthcoming, when the Occasions of the Kingdom required it. And for the sake of these *Ardua Negotia*, the Knights, Citizens and Burgesses are to be Impowered to Act in Parliament-Business by those that sent them; lest for want of that full and sufficient Power, or by means of an Improvident Election, these Arduous and Weighty Affairs of the Kingdom should in any wise remain *Infecta*, or be left Undone. This is contained in the present Writ of Elections directed to every Sheriff of a County at every Election of Parliament men.

But that is not my present Business, for I am in a further Search after the Annual or rather the Anniversary *Folkmote*.

CHAP.

CHAP. V.

Concerning the First Founder of the Yearly Folkmote *of the Kalends of* May.

BEfore I proceed any further I muſt clear one Point. And that is, that we find the Author and Founder of our Yearly *Folkmote* mentioned in the Laws of *Edward* the Confeſſor, (which were Recited and Confirmed by K. *William* the Firſt) under the Title *De Greve*, *Chap.* 35. which may poſſibly leave a Suſpicion that this Yearly *Folkmote* of the Kalends of *May* was a *Greve's* Court. Now what Court ſhould this be, belonging to a *Greve*, or any Count or Viſcount, or Preſident whatſoever, for *Greve* is an Ambiguous Word? It is not a Burghmote, for that is Three times a Year by the Saxon Laws. It is not a County Court, for that by *Edward* the Senior's Laws, *N.* 11. was in theſe words. "Ic Wille that ælc Gereſa hæbbe "Gemot a ymb feower wucan. I will that each *Greve* have a *Gemot* at about Four Weeks. So that there were Twelve in the Year. It was not the Sheriffs Turn, or le Turne del Viſcount, for that was twice a Year; twa Scirgemot on ger, by the Laws of King *Edgar*, *cap.* 5. it is not the *Gemot* for the View of Weapons or Arms, which every Freeman in *England* was charged with, and was bound to ſhew once every Year, and, as was wiſely contrived, all in one Day throughout all *England*; but that Day was not in our Kalends of *May*, but the Morrow after Candlemaſs, *Craſtino Purificationis B. M.* And therefore I cannot for my Life make any thing elſe of an Univerſal Anniverſary Full *Folkmote*, which is but *ſemel in Anno*, *ſcilicet in capite Kal. Maii*, but a Stationary Parliament: Eſpecially conſidering who they were and what they did.

The next thing to be conſidered is the Author or Founder of this Ancient Conſtitution, which we have in the aforeſaid *Chap.*

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De Greve, Num. 35. amongst the Laws of Good King *Edward*. "Hanc Legem Invenit Arthurus, qui quondam fuit Inclytissimus Rex Brytonum, & ità consolidavit, & confœderavit "regnum Britanniæ universum semper in unum." This Law of the Anniversary *Folkmote Arthur* Invented, who was heretofore the most Renowned King of the *Brytons*, and thereby he consolidated, and confederated together the whole Realm of *Britany* for ever as One Man.

It is good to Honour the Founders of all Useful Constitutions; and I believe that King *Arthur* was the Inventor of this as to this Realm; because these Laws of King *Edward* say so: And so was *Cadmus* the Inventor of Letters in *Greece*, though we can trace them out of *Phœnicia*; and the Letters speak for themselves. For if it be *Aleph*, *Beth*, *Gimel*, *Daleth* in one Place, and in the same Order it is *Alpha*, *Beta*, *Gamma*, *Delta* in the other Place, then we are sure there has been an Understanding and Communication. For it is impossible to be otherwise when the Alphabets are settled on both Sides, by being their Numeral Letters; as it was plainly in King *David's* Time by the Octonaries of the 119*th Psalm*, as it stands in the middle of the Bible; and as it was in *Homer's* Time in *Greece*; or else the Old Scholiasts have deceived me, who say that *Homer* purposely couched the Number of all his Books in the first Word of his *Iliads* μῆνιν ἄειδε θεὰ. Which Numerals stand for 48. The Greeks likewise taught the Welch to tell Twenty, and I believe they taught the Romans too. Now by the same Rule, if there was a very Ancient *Folkmote* in the Neighbouring Kingdom of *France* upon every Kalends of *May*, then perhaps King *Arthur* borrowed from them; and it is good to look upon their Kalends, because it is possible they may give Light to Ours.

The French Kalends of *May* lie thus in *Radulphus de Dicto*, a Famous Dean of *Paul's* in King *John's* time, whose History was thought so Authentick, that the English Parliament, in *Edward*

Edward the First's time, Relied upon his Testimony, amongst some others, in no less a Point than the Claim of the King of *England*, to the Supream Dominion of the Realm of *Scotland*. As to our present business he has these Words, *Matthæi Paris. Chronicorum*, pag. 439.

" Abhinc *Francorum* Regibus à solita fortitudine & scientia degenerantibus, Regni potentia disponebatur per Majores domus, Regibus solo nomine regnantibus; Quibus moris erat principari quidem secundum genus, & nil agere vel disponere præterquam irrationabiliter edere & bibere domique morari, & Kal. Maii præsidere coram tota gente & salutari, obsequia & dona accipere & rependere, & sic secum usque ad alium Maium permanere. An. Dom. 662.

I will render the Sense of it into English as near as I can: However the Latin lies before every Man to Translate it for himself. From henceforward the French King's degenerating from the Valour and Learning which they used to have, the Power of the Kingdom was Administred by the Masters of the Palace, the Kings themselves being upon the Matter only Titular; whose Custom it was to come to the Crown indeed according to their Descent, and neither to Act nor Order any thing, but to Eat and Drink Unconscionably and to live at Home, and upon the *Kalends of May* to Preside in an Assembly of the whole Nation, and there to be Addressed, to receive their Allegiances, and Aids or Benevolences, and to Remercie them, and so to retire to the same Life again till another *May* came.

This French *Kalends of May*, is so much a Picture of Our's, that I know not which is the Copy, nor which the Original. Their's was an Assembly of the whole Nation; so was Our's. Annual and Anniversary; so was Our's. *It was tota Gens Kal. Maii*, in *France*. Our *Folkmote* looks extreamly L.L. Ed. Conf. cap. 35. de Greve.

extreamly like it in thoſe two Strokes. *Statutum eſt enim quod ibi debent populi omnes, & gentes Univerſæ ſingulis annis, ſcwel in anno ſcilicet convenire, ſcilicet in capite Kal. Maii.* For it was Appointed by Statute that all the People and Counties Univerſal ſhould meet together at the *Folkmote* each Year, namely, Once in the Year, namely, in the Beginnings of the Kalends of *May*. The King uſed to have fine Speeches made to him in *France*; ſo had we. They ſwore Allegiance to him; ſo did our Folk. They gave him Gifts, (it was not New-Year's tide) Aids, Benevolences, call them what you will; and our People at the ſame time, as Sir *H. Spelman* ſaid above, *Conſulted of Peace and War*, which cannot be managed without Ways and Means of raiſing Money, which is the Sinews of War, as Laws are of Peace. The word *rependere* at laſt in the French Kalends looks ſo like our French form of the Royal Aſſent given to a Money Bill, *le Roy Remercie ſes Loyals Sujets*, that I knew not how to render the word *Rependere*, any otherwiſe than I did, by the word *Remercie*.

I know that the Year 662, was below King *Arthur*'s Time; but it appears that when the French Government was utterly ſpoiled in the *Merovingian* Family, as to the other Points, ſtill they retained the old Cuſtom of the Kalends of *May*; ſo that it was of much greater ſtanding.

The

The Conclusion.

And thus I have finished what I at first propounded; but under such difficulties and disadvantages of a broken Health, as I do verily believe never Book was Written. And for that Reason, I am certain that the very Great Personages to whom I ventured to Offer it, (though it was upon presumption of a better Performance) will bear with it; to whom I wholly Submit it with all Deference: and if one single Word of it should happen to be against Law, I here revoke it before hand. And for the same Reason I earnestly desire all Antiquaries and Learned Men to look further into this Matter, because I my self cannot: And as they see Cause, either to Confirm or Confute my Notion, which is Indifferent to me, because I only seek Truth. I do not speak thus doubtingly concerning Annual Parliaments, for I am Positive in them; but if People will have the utmost of Antiquities, and the very Original of the Wisest and Justest Government in the World, they must sometimes be content to Read with Letters that are somewhat Worn; Though I have been of Opinion for many a Year, that the Kalends of *May* were very Legible. And I am sure that I have by this Time gained my Point, which was to set Wiser Men upon Thinking.

I was afraid that this Government would float and move upon the Face of the Waters, till we were at a certainty about our Parliaments; and therefore when I waited upon my Lord *Devonshire* before the Coronation, and it is my Fault I have not done it often since, I said that we were never the Better for this Revolution till we had a Settlement of Parliaments, and our Ancient Right was Anniversary Parliaments, and that nothing else could set the Go-

vernment to rights. Knowing how much he had Aſſiſted the King, and ſeeing the White Staff in his Hand, I concluded upon his Intereſt with the King, and therefore ſaid; My Lord, you may make a Compliment of this Matter to the King, and tell him that we muſt have Good Laws in a Good Reign, or never, for we cannot have them in a Bad one; but the Laws made in a Good Reign are to ſupport us when a bad one comes, as the ſeven Years of Plenty in *Egypt*, ſuſtained the ſeven Years of Famine. It breaks no Rules to repeat my own Diſcourſe to his Lordſhip, and to ſay that he gave me the hearing, nor to ſay that a certain Knight pulled me by the Sleeve, which had no other Effect than to make me ſpeak the more, and the more earneſtly to my Lord in that matter.

Likewiſe when Mr. *Johnſton* the preſent Secretary of State for *Scotland*, told me in the Court of Requeſts, that the Bill of Rights was going up to the Houſe of Lords, I wiſh'd at that Time that all the Rights were reduced to One Line which was our Right, To have a Parliament every Kalends of *May*. I tell theſe old Stories to ſhew that I was always of the ſame Mind, and that no Court Neglects nor Diſappointments have Altered me; and I will Love this Court whether they will or no, for I am ſure that I laid the Bridg that brought them over, and am pretty certain that they did not come hither in Virtue of *Paſſive-Obedience*.

FINIS.

Books written by the Reverend Mr. Samuel Johnſon.

Julian the Apoſtate: Being a ſhort Account of his Life; the Senſe of the Primitive Chriſtians about his Succeſſion, and their Behaviour towards him; Together with a Compariſon of Popery and Paganiſm.

Julian's Arts to undermine and extirpate Chriſtianity: Together with Anſwers to *Conſtantius* the Apoſtate and *Jovian.*

Remarks upon Dr. *Sherlock*'s Book, intituled, *The Caſe of Reſiſtance of the Supream Power ſtated and reſolved, according to the Doctrine of the Holy Scriptures.*

Reflections on the Hiſtory of Paſſive Obedience.

A ſecond five Years Struggle againſt Popery and Tyranny; being a Collection of Papers publiſhed by the Reverend Mr. *Samuel Johnſon*, during his laſt Impriſonment of five Years and ten Days. Wherein are contained theſe following Tracts. (1.) A Sermon preached at *Guildhall-Chappel.* (2.) The Church of *England* as by Law eſtabliſhed, *&c.* (3.) Godly and wholſom Doctrine, and neceſſary for theſe Times. (4.) A ſhort Diſſwaſive from Popery, and from Countenancing and Encouraging Papiſts. (5.) A Parcel of wry Reaſons, wrong Inferences, but right Obſervator. (6.) An Oration of Mr. *John Hales.* (7.) Several Reaſons for the eſtabliſhing of a ſtanding Army, and the diſſolving the Militia. (8.) Four Chapters. 1. Of Magiſtracy. 2. Of Prerogative by Divine Right. 3. Of Obedience. 4. Of Laws. (9.) The Grounds and Reaſons of the Laws againſt Popery. (10.) An Humble and Hearty Addreſs to all the Engliſh Proteſtants in King *James*'s Army. (11.) The Opinion, that Reſiſtance may be uſed in caſe our Religion and Rights ſhould be invaded. (12.) The Trial and Examination of the New Teſt of the Church of *England*'s Loyalty. (13.) Reflections upon the Inſtance of the Church of *England*'s Loyalty. (14.) The abſolute Impoſſibility of Tranſubſtantiation demonſtrated. (15.) Bp. *Ridley*'s Letter to Bp. *Hooper*, with ſome Obſervations on it. (16.) A Letter from a Freeholder, to the reſt of the Freeholders of *England.* (17.) Religion founded upon a Rock. (18.) The True Mother Church.

An *Argument* proving, That the Abrogation of King *James* by the People of *England* from the Regal Throne, and the Promotion of the Prince of *Orange*, one of the Royal Family, to the Throne of the Kingdom in his ſtead, was according to the Conſtitution of the Engliſh Government, and *Preſcribed* by it. In Oppoſition to all the falſe and treacherous Hypotheſes, of Uſurpation, Conqueſt, Deſertion, and of taking the Powers that *Are* upon Content.